STATE OF ARIZONA FILED

STATE OF ARIZONA

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DEPARTMENT OF INSURANCE

MSURANCE

In the Matter of:

CONWAY, JEFFREY THOMAS (Arizona License Number 1012816) (National Producer Number 69927)

No. 13A-095 -INS

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that Jeffrey Thomas Conway violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

- 1. Jeffrey Thomas Conway ("Conway" or "Respondent") is, and was at all material times, licensed as an Arizona resident life insurance producer, Arizona license number 1012816, which expires December 31, 2015.
- 2. Conway's address of record is: 2848 E. Brown Rd., #7, Mesa, Arizona 85213 (business, mailing and residence).
- On or about March 31, 2012, Conway forged the signature of Joan M. Starace 3. ("Starace") to withdraw an Required Minimum Distribution (RMD) for the amount of \$13,894,66, check number 487151 from Aviva. As a result, Starace incurred Federal and State taxes totaling \$3,561.00.

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4. After Starace filed a Complaint with the Department and the Department initiated an investigation, Respondent returned the \$3,561.00 in tax penalties to Starace¹.

CONCLUSIONS OF LAW

- 1. The Director has jurisdiction over this matter.
- 2. Respondent's conduct, as described above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 3. Respondent's conduct, as described above, constitutes using fraudulent, dishonest practices, or untrustworthiness in the conduct of business in this state, within the meaning of A.R.S. § 20-295(A)(8).
- 4. Respondent's conduct as described above, constitutes forging another's name to any document related to an insurance transaction, within the meaning or A.R.S. § 20-295 (A)(10).
- 5. Grounds exist for the Director to deny, suspend for not more than twelve months, revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order restitution pursuant to A.R.S. §§20-295(A) and (F).

ORDER

IT IS HEREBY ORDERED THAT:

1. Respondents' resident license (Arizona license # 1012816) is suspended for a period of six (6) calendar months effective August 1, 2013 through February 1, 2014.

¹ This amount represents the combined total for the Federal and State tax penalties incurred by Starace as a result of the forged signature on the RMD.

2. Respondent shall immediately pay a civil penalty of \$2,500.00 for deposit into the State General Fund.

DATED AND EFFECTIVE this 2 nd day of August, 2013.

Director of Insurance

CONSENT TO ORDER

- 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Findings of Fact and consent to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of his right to notice and hearing at which he may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waives his right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4 Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to him to induce him to enter into this Consent Order and that he has entered into this Consent Order voluntarily.
- 5. Respondent acknowledges that the acceptance of this Consent Order by the Director is solely to settle this matter against him and does not preclude any other agency, including the Department, officer, or subdivision of this state or this agency from instituting civil or criminal proceedings as may be appropriate now or in the future.

1	6. Respondent acknowledges that this Consent Order is an administrative action
2	that the Department will report to the National Association of Insurance Commissioners
3	(NAIC). Respondent further acknowledges that he must report this administrative action to
4	any and all states in which he holds an insurance license and must disclose this administrative
5	action on any license application.
6	DR. B1-2013 Gellrey Thomas Conway
7	Date Jeffrey Thomas Conway, Arizona License # 1012816
8	<i></i>
9	COPIES of the foregoing mailed/delivered this <u>2nd</u> day of <u>August</u> , 2013, to:
10 11 12	Jeffrey Thomas Conway 2848 E. Brown Rd. #7 Mesa, AZ 85213 Respondent
13 14 15 16 17 18 19	Mary E. Kosinski, Executive Assistant for Regulatory Affairs Darren T. Ellingson, Deputy Director Mary Butterfield, Assistant Director, Consumer Affairs Division Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Supervisor Charles Gregory, Supervisor Investigations Division Nicolas Lopez, Investigator Department of Insurance 2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018 Wester Holling Consumer Affairs Division Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Supervisor Charles Gregory, Supervisor Investigations Division Nicolas Lopez, Investigator Department of Insurance 2910 North 44 th Street, Suite 210 Phoenix, Arizona 85018
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